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49455 .7590 06/19/2007 STEIN, MCEWEN & BUI, LLP 1400 EYE STREET, NW SUITE 300 WASHINGTON, DC 20005			EXAMINER LE, MIRANDA	
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/796,284

Applicant(s)

JUNG ET AL.

Examiner

Miranda Le

Art Unit

2167

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 05 June 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☐ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).

4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: None.
Claim(s) objected to: None.
Claim(s) rejected: 1-23.
Claim(s) withdrawn from consideration: None.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). _____.
13. ☐ Other: _____.

[Handwritten signature]
APU Mofie
SPE 2161

[Handwritten signature]
Miranda Le
June 15, 2007

Continuation of 3. NOTE: The new issue includes "wherein the reading the language information comprises: opening a startup file first read when the interactive mode is selected; and reading the language information from the startup file." . It is noted that the features of claim 2 have been reworded, thus changed the scope of independent claim 1 .

Continuation of 11. does NOT place the application in condition for allowance because: Applicants' arguments do not overcome the final rejection. Please see the enclosed attachment.

A. Claim Rejections under 35 USC 102.

I. REJECTION 1:

Tsumagari reads on the claimed invention in the following paragraphs:

[0112] <C> Processor 320 interprets the contents (*indicating the current audio language*, if the disc playback operation is now being done, and so forth) of a "DVD status signal" which is sent from DVD-Video playback engine 200 and indicates the property of DVD-Video player 100, and converts the contents of the interpreted DVD status signal into a corresponding property signal specified in *ENAV* contents 30 (30W) (e.g., converts a DVD status signal which indicates that the current audio **language** is Japanese into a property signal that *designates Japanese as a language used by ENAV*).

[0113] Generally speaking, *ENAV* interpreter 330 has a function of *parsing* and interpreting playback control information (*ENAV* playback information) contained in *ENAV contents 30 acquired from DVD video disc 1 or ENAV contents 30W acquired from the Internet* or the like, and controlling *ENAV* engine 300. As a script language used in *ENAV* playback information, the aforementioned markup languages such as *HTML/XHTML, SMIL*, and the like may be used, or script languages such as ECMAScript and the like may be used together with the aforementioned markup languages.

[0115] As other examples of commands and variables unique to markups or scripts in the *ENAV* playback information, a command and variable for changing the size of a video from DVD-Video playback engine 200 and/or *ENAV* engine 300 (a command

that instructs size change, and a variable that designates the size after change), and a command and variable for changing the position of the video (a command that instructs to change the display position, and a variable that designates a coordinate position after change: when objects to be displayed overlap each other on the screen, as shown in FIG. 3C (to be described later), a variable that designates the depth ordering of the overlapping objects is added) are used. Also, a command and variable which are sent from DVD-Video playback engine 200 and/or *ENAV* engine 300 and are used to change an audio level (a command that instructs to change an audio level, and a variable that designates an audio level after change), and a command and variable used to select an audio language to be used (a command that instructs to change an audio language to be used, and a variable that designates the type of language after change) are used. Furthermore, a command and variable that control a user event in user event controller 310 (those used to switch among user event signals (A), (B), and (C)) are used. (Tsumagari)

[0397] Before starting playback of DVD-Video synchronized with *ENAV* contents, at least one *ENAV*-Unit is preloaded from a disc or a server. When another *ENAV*-Unit is loaded from a disc during the playback of DVD-Video, seamless playback of DVD-Video is not guaranteed. When another *ENAV*-Unit is downloaded from a server during the playback of DVD-Video, seamless playback of DVD-Video is guaranteed by means of the downloading information, which includes name/location/size/content type of *ENAV* elements.

[0395] ENAV content on both a disc and a server is loaded to the buffer for continuous/seamless playback of DVD-Video content, and the buffer can be managed by

Buffer Manager via Buffer control. *ENAV* Buffer consists of (or comprises) *ENAV*-Unit Buffer (for XHTML document, Image, Non-synchronized audio with DVD-Video and Animation), Synchronized Audio Buffer and Font Buffer. The *ENAV*-Unit Buffer and the Synchronized Audio Buffer consist of (or comprises) two buffers respectively. One buffer is for playback and the other buffer is for download, each role changes by turns. The two-buffer can be used as one-buffer, for instance, in case that all of *ENAV* elements are read to the buffer before playback of *ENAV* content.

From the hereinabove excerpt paragraphs, it is the Examiner's belief that *Tsumagari* anticipate the claimed invention for the following reasons:

1. **Claim 1** – *Tsumagari* teaches **reading language information** as “*indicates that the current audio language is Japanese*”. See [0112] of *Tsumagari*.

Note that **reading language information** equates to “*indicating the current audio language*”. See [0112] of *Tsumagari*.

2. **Claims 2, 14** – *Tsumagari* teaches **reading the language information from the startup file** as “*parsing and interpreting playback control information contained in ENAV contents acquired from DVD video disc 1*”. See [0113] of *Tsumagari*.

It is noted that as the information for playback stored in the *ENAV* contents, the file *ENAV* must be opened for reading information. Therefore, the start up file equates to *ENAV contents* of *Tsumagari*.

The **start up file** further equates to *HTML/XHTML, SMIL*, which store play back information. See [0113] of *Tsumagari*.

The Examiner interpreted the startup file as a file to be opened for reading the play back information before playing back a video disc. The language information is a portion of the playback information as taught by Tsumagari in [0112-0113].

3. Claim 14 – Tsumagari teaches reading language information from a startup file on the optical disc.

A startup file on the optical disc is taught by Tsumagari as aforementioned in 1 - ENAV contents acquired from DVD video disc I". See [0113] of Tsumagari.

4. Claim 3 – Tsumagari teaches a loading information file as ENAV contents 30W acquired from the Internet. See [0113] of Tsumagari.

5. Claim 14 – Tsumagari teaches selecting ENAV data based on the read language information.

It should be understood that - as aforementioned since Tsumagari teaches a command and variable used to selected an audio language to be used - a particular variable corresponds to a particular language to be playback, hence when a particular variable is selected, the program codes then compare such selected variable (the player language information) against a plurality of ENAV applications in the ENAV contents for selecting a particular portion of ENAV contents (a particular application) that matched the selected language to run for playing back.

Furthermore, Tsumagari teaches "designates Japanese as a language used by ENAV" [0012], this suggests that as a particular language corresponds to a particular

ENAV, based on the selecting a language (*a command and variable used to select an audio language to be used, [0115]*), the corresponding ENAV thus is selected in order to play back.

6. Claim 4 - Tsumagari teaches a plurality of ENAV applications, each of which includes substantially similar contents and is made with a different language from the other ENAV applications.

A plurality of ENAV applications equates to *scripts in the ENAV playback information*, it is noted that a particular command and a particular variable correspond to a particular *script in the ENAV playback information* matched to a selected particular language (*i.e. to select an audio language*, See [0115] of Tsumagari).

7. Claim 4 - Tsumagari teaches reading language information indicating respectively the language used in a plurality of ENAV applications as *“a command and variable used to select an audio language to be used (a command that instructs to change an audio language to be used, and a variable that designates the type of language after change) are used”*, See [0115] of Tsumagari.

8. Claim 7 - Tsumagari teaches wherein the selecting and reading the interactive data comprises reading ENAV files belonging to the corresponding ENAV application with reference to a reference to a loading information file *informing location information of the ENAV files* belonging to the corresponding ENAV application.

The interactive data equates to “a command and variable for changing the size of a video”, See [0115] of Tsumagari.

Location information of the ENAV files equates to “ENAV contents 30W acquired from the Internet”, See [0113] of Tsumagari.

Informing location information equates to “name/location/size/content type of ENAV elements”, See [0397] of Tsumagari.

9. **Claim 8** – Tsumagari teaches wherein the reading the language information further comprises comparing the language information with the player language information and selecting one among a plurality of ENAV application.

It should be understood that - as aforementioned Tsumagari teaches a command and variable used to selected an audio language to be used - a particular variable corresponds to a particular language to be playback, therefore when a particular variable is selected, the program codes then compare such selected variable (the player language information) against a plurality of ENAV applications in the ENAV contents for selecting a particular portion of ENAV contents (a particular application) that matched the selected language to run for playing back.

10. **Claim 9** – Tsumagari teaches wherein the reading the language information further comprises parsing the language information recorded using the element linking the loading information file included in the corresponding ENAV application.

Parsing the language information equates to “*ENAV* interpreter 330 has a function of parsing and interpreting playback control information (*ENAV* playback information) contained in *ENAV* contents 30 acquired from DVD video disc 1 or *ENAV contents 30W acquired from the Internet* or the like”, See [0113] of Tsumagari.

Note that the language information included in the *ENAV* contents, and furthermore, the *ENAV* contents can be loaded from the Internet.

The element linking the loading information file equates to “means of the downloading information, which includes name/location/size/content type of *ENAV* elements”, See [0397] of Tsumagari.

11. Claim 10 – Tsumagari teaches **wherein the reading the language information further comprises parsing the language information recorded in an element that stores a condition selecting a linked loading information file, included in the element the loading information file.**

A condition selecting a linked loading information file equates to “name/location/size/content type of *ENAV* elements”, See [0397] of Tsumagari.

The element linking the loading information file further equates to “means of the downloading information, which includes name/location/size/content type of *ENAV* elements”, See [0397] of Tsumagari.

12. Claim 11 – Tsumagari teaches **wherein the reading the language information further comprises parsing the language information recorded using a “name” property and a “value” property in an element that stores a condition selection a**

linked loading information file, included in the element linking the loading information file”.

A **name** property, **value** property equates to “**name/location/size/content type of ENAV elements**”, See [0397] of Tsumagari.

A **condition** selecting a linked loading information file equates to “**name/location/size/content type of ENAV elements**”, See [0397] of Tsumagari.

The **element linking** the loading information file equates to “**means** of the downloading information, which includes name/location/size/content type of **ENAV elements**”, See [0397] of Tsumagari.

13. Claim 12 – Tsumagari teaches wherein the reading the language information further comprises parsing the language information recorded using a ‘name’ property and a ‘value’ property in the element linking the loading information file”.

A **name** property, **value** property equates to “**name/location/size/content type of ENAV elements**”, See [0397] of Tsumagari.

The **element linking** the loading information file equates to “**means** of the downloading information, which includes name/location/size/content type of **ENAV elements**”, See [0397] of Tsumagari.

14. Claim 17 – Tsumagari teaches wherein the reproducing comprising reproducing corresponding audio visual data from the optical disc together with the selected ENAV data in a non interactive mode.

The selected ENAV data equates to “ENAV content on both a disc and a server is loaded” to the buffer for continuous/seamless playback of DVD-Video content”, See [0395] of Tsumagari.

II. REJECTION 2:

Tozaki suggests the claimed invention in the following paragraphs:

In addition, according to the reproducing apparatus S2 of the present embodiment, while restraining the electric power consumption, it is possible to perform the interactive and variegated reproductions, in which the selection branches are prepared for the audience as for the video images and the audio sounds reproduced from the compressed information, and in which the audience can select one of the selection branches to watch and listen, by means of the variable rate system or the fixed rate system by use of a rather simple construction. (col. 26, lines 33-42, Tozaki)

The demultiplexer 86, to which the demodulation signal Sdm is continuously inputted through the stream switch 84, separates the video information, the audio information, the sub picture information and the PCI data 50 for each navi-pack 41 respectively from the inputted demodulation signal Sdm, and outputs them as a video signal Sv, a sub picture signal Ssp, an audio signal Sad and a PCI signal Spc respectively to the VBV buffer 87, the sub picture buffer 89, the audio buffer 92 and the PCI buffer 94. There may be a case where, in the demodulation signal Sdm, different streams of the audio information or the sub picture information in a plurality of different languages are included as the audio or sub picture information. In that case, a desirable language is

selected for the audio or sub picture information by a stream selection signal Slc from the system controller 100, so that the audio or sub picture information in the desirable language is outputted to the audio buffer 92 or the sub picture buffer 89 (**col. 19, line 53 to col. 20, line 4, Tozaki**)

On the other hand, the sub picture buffer 89, to which the sub picture signal Ssp is inputted, temporarily stores the inputted sub picture signal Ssp, and outputs it to the sub picture decoder 90. *The sub picture buffer 89 is to synchronize the sub picture information included in the sub picture signal Ssp with the video information corresponding to the sub picture information, and to output it.* Then, the sub picture signal Ssp synchronized with the video information is inputted to the sub picture decoder 90 and is decoded to be outputted as a decoded sub picture signal Sspd to the mixer 91 (**col. 20, lines 15-25, Tozaki**).

The audio buffer 92, to which the audio signal Sad is inputted, consists of a FIFO memory, for example. *The audio buffer 92 temporarily stores the audio signal Sad and outputs it to the audio decoder 93.* The audio buffer 92 is to synchronize the audio signal Sad with the video signal Sv or the sub picture signal Ssp including the corresponding video information, and delays the audio signal Sad in accordance with the output condition of the corresponding video information. Then, the audio signal Sad, which is time-adjusted to synchronize with the corresponding video information, is outputted to the audio decoder 93. Then, a predetermined decoding process is applied thereat to the audio signal Sad, and it is outputted as a decoded audio signal Sadd to a speaker etc. not

illustrated. If it is detected by the system controller 100 that it is necessary to temporarily stop (pause) the audio voice in the reproduction immediately after accessing, a pause signal Sca is outputted from the system controller 100 to the audio decoder 93, so that the output of the decoded audio signal Sadd is stopped temporarily at the audio decoder 93.
(col. 20, lines 40-60, Tozaki)

1. Claims 18 – Tozaki teaches an interactive mode supported by interactive data associated with the audio-visual data –

Interactive mode equates to “the interactive and variegated reproductions”, col. 26, lines 33-42.

Interactive mode further equates to “a desirable language is selected for the audio or sub picture information by a stream selection signal Slc from the system controller 100”, col. 19, lines 53 to col. 20, line 4.

Interactive data equates to “a stream selection”, col. 19, line 53 to col. 20, line 4.

2. Claim 18 – Tozaki teaches a plurality of interactive data respectively corresponding to a plurality of different natural languages.

Interactive data equates to “a stream selection”, See col. 19, line 53 to col. 20, line 4, Tozaki.

Different natural languages further equates to “a desirable language is selected for the audio or sub picture information by a stream selection signal Slc from the system controller 100”, col. 19, lines 53 to col. 20, line 4.

It is noted that a stream selection of Tozaki suggests a selection from a plurality of streams (i.e. a plurality of interactive data of the claim limitation).

A desirable language is selected corresponds to a selection from a plurality of different languages.

Therefore, the claim limitation **a plurality of interactive data respectively corresponding to a plurality of different natural languages** equates to “*a desirable language is selected* for the audio or sub picture information by **a stream selection** signal Slc from the system controller 100”, See col. 19, lines 53 to col. 20, line 4, Tozaki.

3. Claim 18 – Tozaki teaches reading language information specifying the plurality of different natural language of the plurality of interactive data”.

Tozaki discloses “*a desirable language is selected* for the audio or sub picture information by **a stream selection signal Slc** from the system controller 100”, col. 19, lines 53 to col. 20, line 4. This is suggested that a language is selected based on a stream selection signal, thus the language information included in a stream selection signal is read by the system controller 100 in order to select a desirable language.

4. Claim 18 – Tozaki teaches interpreting and executing the read one of the plurality of interactive data.

Tozaki recited, “a desirable language is selected for the audio or sub picture information by a stream selection signal Slc from the system controller 100, so that the *audio or sub picture information in the desirable language is outputted to the audio buffer 92 or the sub picture buffer 89.*” (col. 19, line 53 to col. 20, line 4)

It is understood that the read information is stored in the audio buffer 92 or the sub picture buffer 89, and the read information stored in buffer 92 is hence interpreted by the decoder 93 as taught by Tozaki (*The audio buffer 92 temporarily stores the audio signal Sad and outputs it to the audio decoder 93*, col. 20, lines 40-60, Tozaki).

Furthermore, the read information stored in buffer 89 is executed as synchronizing the sub picture information with the video information, and outputting it (*The sub picture buffer 89 is to synchronize the sub picture information* included in the sub picture signal Ssp with the video information corresponding to the sub picture information, and to output it, col. 20, lines 15-25, Tozaki).

B. Claim Rejections under 35 USC 103.

Claims 5, 13, 15 (Tsumagari and Kou)

Tsumagari and Kou are directed to the same field as systems for adding a wide variety of interactive features – a plurality of different languages - to the audio or video stream, therefore, it would be have been obvious to one of ordinary skill of the art having the teaching of Tsumagari and Kou at the time the invention was made to modify the system of Tsumagari to include the claims 5, 13, 15 limitations as taught by Kou.

One of ordinary skill in the art would be motivated to make this combination in order to select a geographic natural language preference in view of Kou, as doing so it would give the added benefit of enabling the system to accommodate a variety of possible natural language preferences that exist among different geographical areas as taught by Kou (Summary).

Claim 23 (Tozaki and LaChapelle)

Tozaki and LaChapelle are directed to the same field as a system for obtaining metadata - video and audio information - to play audio, video files, thus, it would be have been obvious to one of ordinary skill of the art having the teaching of Tozaki and LaChapelle at the time the invention was made to modify the system of Tozaki to include the claim 23 limitations as taught by LaChapelle.

One of ordinary skill in the art would be motivated to make this combination in order to select a language in view of LaChapelle, as doing so it would give the added benefit of optimizing operation of a media player during rendering of media files as taught by LaChapelle (col. 1, line 65 to col. 2, line 5).

Applicant's arguments have been fully considered but they are not persuasive. The Examiner has thoroughly reviewed Applicants' arguments but firmly believes that the cited reference reasonably and properly meet the claimed limitation. As detailed, the claim language as presented is still read on by the prior arts at the cited paragraph in the claim rejections. Applicant is thus encouraged to amend the claims to better reflect the intended scope of the claim.